



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

DOD: 05/05/09		PAT MIRANDA , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED TO 02/14/13</u> Per request of counsel 1. Need <i>Notice of Hearing</i> with proof of service by mail at least 15 days before the hearing on: - Kelli McCaslin (daughter) - Carroll (Bud) McCaslin (son) - Michael McCaslin (son) 2. Need copies of bank statements pursuant to Probate code § 2620(c)(2). 3. Need original care facility billing statements pursuant to Probate Code § 2620(c)(5). Note: Several of the monthly care facility statements were filed in connection with Petitioner's first account on 08/17/12; however, several months during this accounting period are missing. 4. Need Order. Note: A status hearing will be set as follows: - Friday, March, 29, 2013 at 9:00 am in Dept. 303 for filing of the Final Account. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
		Account period: 01/23/07 – 05/05/09	
		Accounting - \$39,167.44	
		Beginning POH - \$46.35	
		Ending POH - \$1,440.97	
Cont. from		Conservator - waived	
<input type="checkbox"/>	Aff.Sub.Wit.	Attorney - waived	
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
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<input type="checkbox"/>	Notice of Hrg	Petitioner prays for an Order:	
<input type="checkbox"/>	Aff.Mail	1. Approving, allowing and settling the second account.	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
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<input type="checkbox"/>	Video Receipt		
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Reviewed by: JF			
Reviewed on: 01/18/13			
Updates: 01/23/13			
Recommendation:			
File 1 - McCaslin			

Atty **Pena, Elena K (pro per Petitioner/guardian)**Atty **Kruther, Heather (for the Public Guardian/current guardian)****Filing of Inventory & Appraisal**

Age: 12 years	<p>ELENA PENA, sister, was appointed Guardian of the Person and Estate on 07/26/11 and Letters were issued on 07/28/11. Minute order dated 6/12/12 removed Elena Pena and appointed the Public Guardian.</p> <p>An Order to Deposit Money Into Blocked Account was signed 07/26/11 ordering all funds of the minor to be placed in a blocked account.</p> <p>Notice of Taking Possession or Control of an Asset of Minor or Conservatee filed 09/28/11 by MetLife Total Control Account reflects that the guardian, Elena Pena, has taken control of the minor's assets in the amount of \$211,865.50 from Metlife.</p> <p>Receipt for Blocked Account filed on 1/11/12. (Signed by the Guardian and not a bank official.)</p> <p>Inventory and Appraisal filed on 1/11/12 showing the estate valued at \$244,116.64.</p> <p>Minute order dated 6/12/12 states no appearances. The Court removes Elena Pena as Guardian of the Estate. The Public Guardian is appointed forthwith to pursue the status of the assets which includes MetLife.</p> <p style="text-align: center;">Please see additional page</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 10/1/12. Minute order states Counsel advises the Court that the Public Guardian has received a check from MetLife. The Court notes for the record that a blocked account is no longer needed given the appointment of the Public Guardian. The Court authorizes \$300 per month to the guardian for the benefit of the minor.</p> <ol style="list-style-type: none"> 1. Need current status report including status of the Prudential Account valued at \$32,058.81. 2. First account is now due.
Cont. from 022112, 050112, 061212, 081312, 100112		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
<p>Reviewed by: KT</p> <p>Reviewed on: 1/22/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 – Robinson-Cervantes</p>		

Status Report filed on 9/24/12 states on 9/4/12 Deputy Public Guardian Renee Garcia sent letters to MetLife and Prudential Annuities to notify them that the Public Guardian is now guardian of the estate. To date Deputy Garcia has not heard back from either MetLife or Prudential.

Deputy Garcia met with Ms. Pena on 9/19/12. Ms. Pena was relieved that the Public Guardian is now involved as guardian of the estate.

The Public Guardian requests clarification regarding the receipts. It is unclear whether it is Ms. Pena or the Public Guardian who should now obtain the receipts signed by the financial institutions. Furthermore, does the Court require an inventory and appraisal be filed in addition to the receipts that will be filed?

The Public Guardian's office requests the next status hearing be set out 90 days from the date of this hearing to allow time of the financial institutions to respond and for the Public Guardian's office to file an inventory and appraisal if needed.

Notice of Taking Possession or Control of an Asset of Minor or Conservatee filed on 9/24/12 showing the Public Guardian has taken control of the MetLife Total Control Account with a current balance of \$217,073.65.

Ex Parte Application to Reset Trial Date

Age: 98	MARILYN YAMANAKA , Former Successor Trustee and Cross-Respondent, is Petitioner and requests to have a trial date specially set in this case based on the following procedural and factual information:	NEEDS/PROBLEMS/COMMENTS:
Cont. from 010813		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	
<p>Petitioner states: The trial date was previously on calendar in August 2011. It has been sitting idle since Cross-Petitioner MONTIE DAY's ("Montie") failed motion for summary judgment. Petitioner requests the trial date be set in this Court as soon after 1-1-13 as possible and states the request is made in good faith and good cause and appropriate circumstances exist to allow the Court to specially set the trial date as requested.</p> <p>The parties were ready to proceed at the trial readiness hearing held 7-29-11; however, at that time, the parties agreed that Ms. Yamanaka would resign as successor trustee in favor of the PUBLIC GUARDIAN, the trial date of 8-2-11 was vacated, and Montie Day was permitted to file a motion for summary judgment. Montie insisted he be permitted to file this motion before the trial resumed. Judge Snauffer denied the summary judgment on 3-19-12. The motion was found to be defective on several grounds and Montie was found to have failed to meet his burden of proof.</p> <p>On 4-6-12, Counsel for Petitioner requested by letter a settlement demand from Montie. In response, Montie filed a baseless and malicious complaint with the state bar against Mr. Klassen, which was closed as having no merit. Petitioner states Montie behaved badly in filing such a letter. Irrespective of this, Ms. Yamanka's counsel has continued since that time to reasonably request a trial date and/or settlement demand from him. Montie has not proposed a settlement demand as he promised he would before Judge Oliver in March 2012 and has failed to offer any dates of availability for trial despite several requests.</p> <p>Petitioner states the sole offer with respect to trial has been Montie's request that the "trial" be limited to Court consideration of documents previously provided to the court in connection with his defective motion for summary judgment. Petitioner states the motion does not so much present facts as it offers the opinions of Montie on many subjects of his choosing, as well as his evident dislike of his brother Derrell, as well as negative statements made concerning Ms. Yamanaka.</p>		
<p>Minute Order 1-8-13: Montie Day is appearing via conference call. The Court notes for the minute order that the parties have reserved their rights regarding the accounting and any objections thereto. Continued to 1/28/13</p> <p>Note: The First Account of the Public Guardian is Page 3B.</p>		
<p>Reviewed by: skc</p> <p>Reviewed on: 1-18-13</p> <p>Updates:</p> <p>Recommendation: File 3A - Day</p>		

Good cause: Petitioner states nothing has been done to bring this case to resolution since Montie's unsuccessful motion for summary judgment, filed over a year ago, and ruled against in March 2012. It appears he is seeking to become successor of his mother's trust by default or operation of law. Since trial should only last a few hours or a day or two, and because Montie has made no effort to move this matter to trial, Ms. Yamanaka has brought this motion. Petitioner has been ready to proceed since the last trial date was vacated and requests the earliest date available.

Petitioner strongly opposes any further delays by Montie as she does not wish to have her claims and defense of claims prejudiced by not being permitted to put on the stand elderly witnesses who are well past 80 years of age, not including Thelma Day, who Montie insists is incompetent, and who likely is at this stage.

Attorney Klassen's declarations state the sole real issue is whether or not Ms. Yamanaka was chosen by Ms. Thelma Day to be her successor trustee, and whether Ms. Day, if she made that choice, was competent to do so. Given the voluminous declarations submitted by Mr. Day in support of his unsuccessful and poorly drawn motion for summary judgment, it is clear he wants to make the trial into a circus where he can make negative comments about Ms. Yamanaka and his own brother in yet another effort to force Ms. Yamanaka to answer claims which have little to do with anything before this court. The key witness in this case is Certified Specialist William Coleman of Fresno, not Mr. Day.

Mr. Klassen states his client has been held hostage by Mr. Day since the decision against his motion and has shown no willingness to resolve this case short of trial. Mr. Klassen believes Mr. Day is attempting to cost Ms. Yamanaka needless money and worry. Discovery has been complete for approx. one year, as confirmed by Mr. Day. There are no obstacles to getting this case resolved at trial except Mr. Day's efforts to delay. Mr. Klassen's personal view is that Mr. Day intends to delay the trial until his mother's demise, at which time he assumes he will then have control of the trust, rather than the Public Guardian.

Mr. Klassen states that in response to his 4-6-12 letter requesting settlement demand, Mr. Day filed a baseless and malicious complaint with the state bar against Mr. Klassen, which was quickly closed as having no merit. Mr. Day confirmed that not only would he go to substantial lengths to bully Ms. Yamanaka, but that he would also attempt to do the same to Mr. Klassen.

Mr. Klassen states he gave notice to Montie Day and to J. Stanley Teixeira that he was going to file this ex parte application to re-set the trial date. Mr. Day indicated that he intended to respond. Mr. Teixeira did not give information of what he might do.

Ms. Yamanaka states that well before Mr. Day's unsuccessful motion for summary judgment, he told her he was going to do what he could to harm her financially by making her spend a lot of money on attorney fees. His goal is not to determine facts, but to harm her because he was not made the original successor trustee by his mother. He has caused her to incur all sorts of expenses including tens of thousands of dollars in attorney fees. Ms. Yamanaka has requested that her attorney do what is necessary to get this case resolved. Ms. Yamanaka believes she performed her duties as successor trustee capably and wants the opportunity to prove this in court while Ms. Say is still living.

A response filed 1-7-13 by Montie S. Day states: Trial will obviously require that any remaining assets of Thelma Day and the trust will be further depleted to Thelma Day's detriment. Notwithstanding, this Court will eventually have to deal with the issues presented. Mr. Day anticipates a 4-5 day trial and provides a list of numerous witnesses. Mr. Day states the trial could be expedited if the parties would stipulate that the declarations and records already filed could be utilized as evidence and considered testimony and subject to the granting of a motions in limine. The other procedure, on recommended by Montie S. Day and Nicole S. Day, is to present evidence to the Court as presented in the Motion for Summary Judgment, but with the **stipulation that the Court may weigh and decide the issues after weighing and considering the evidence included in the Summary Judgment motions and oppositions with each side permitted to only call additional witnesses as may be appropriate, subject to objections. This would promote judicial efficiency and permit an economical adjudication of the issues.**

3B Thelma L Day (Trust)

Case No. 10CEPR00998

Atty Roberts, Gregory J. (attorney for the Public Guardian – Petitioner)
 Atty Klassen, Kenton J. (of Dowling Aaron Incorporated, for Marilyn Yamanaka)
 Atty Day, Montie S. (attorney for Nicole Day and Montie Day (pro per))
 Atty Teixeira, J. Stanley (Court appointed attorney for Thelma Day)

**First Accounting and Report of Trustee and Petition for Its approval; and for
 Allowance of Fees and Costs**

Age: 98	PUBLIC GUARDIAN , Successor Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
DOB: 6-14-14	Account period: 8-2-11 through 7-31-12.	
	Accounting: \$ 146,841.96	
	Beginning POH: \$ 84,600.00	
	Ending POH: \$ 98,718.02	
<input type="checkbox"/> Aff.Sub.Wit.	(\$14,118.02 cash plus real property)	
<input checked="" type="checkbox"/> Verified	Trustee: \$1,146.72 (per itemization)	
<input type="checkbox"/> Inventory	Attorney: \$3,486.00 (per itemization)	
<input type="checkbox"/> PTC	Costs: \$435.00 (filing)	
<input type="checkbox"/> Not.Cred.	Bond fee: \$69.29	
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner prays for an order:	
<input checked="" type="checkbox"/> Aff.Mail w	1. Settling and allowing the account and report and approving and confirming the acts of Petitioner as Trustee for this account period;	
<input type="checkbox"/> Aff.Pub.	2. Authorizing payment of the trustee's and attorney's fees and costs and the bond costs from the trust; and	
<input type="checkbox"/> Sp.Ntc.	3. For such other orders as the court may deem proper.	
<input type="checkbox"/> Pers.Serv.	Response of Marilyn Yamanaka to the First Accounting and Report of Trustee for the Purpose of Assisting the Public Guardian; and Response to the Montie Day Filing, and	
<input type="checkbox"/> Conf. Screen	Declaration of Kenton J. Klassen in Support of Marilyn Yamanaka's Response were filed 1-17-13.	
<input type="checkbox"/> Letters	Montie S. Day filed Response and Objections to Public Guardian's First Accounting and Report of Trustee and Petition for Its Approval; and for Allowance of Fees and Costs, and a Supplemental Response, on 1-22-13.	
<input type="checkbox"/> Duties/Supp	SEE ADDITIONAL PAGES	
<input checked="" type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Reviewed by: skc

Reviewed on: 1-22-13

Updates: 1-24-13

Recommendation:

File 3B - Day

3B

Response of Marilyn Yamanaka to the First Accounting and Report of Trustee for the Purpose of Assisting the Public Guardian; and Response to the Montie Day Filing; and Declaration of Kenton J. Klassen in Support of Response, filed 1-17-13 state:

- Ms. Yamanaka served as Successor Trustee and as Ms. Day's agent under a duly executed, attorney supervised and prepared Uniform Statutory Power of Attorney commencing on or about 4-1-10. At or about that date, Ms. Yamanaka began to act as agent and pay Ms. Day's regular expenses as they came due. From April 2010 through July 2011 Ms. Yamanaka competently and honestly managed Ms. Day's financial affairs and paid her bills as they came due. A copy of the computerized check register and related bank statements are attached.
- The pleadings on file for this hearing suggest that one party, Montie Day, believes that substantial assets are unaccounted for. He is wrong, and perhaps simply not well informed. The whereabouts of Thelma Day bank account monies are known. From the Public Guardian's first accounting paperwork, all parties can see that there is an account at Citibank where the Public Guardian has been attempting to gain control over for management purposes for just over a year. See Mr. Barrus' timesheets. All is in order except for completing that administrative act.
- Summaries of expenses and income for various accounts are provided.
- The Public Guardian's accounting does not contain the monies from the Citibank discussed at the 1-8-13 hearing. Mr. Roberts pointed out that the account had not yet been transferred to the Public Guardian for Ms. Day's benefit. What the parties do know is that when Ms. Yamanaka received the last statement as successor trustee, the account contained \$95,220.15.
- As for the Minnewawa property, Ms. Yamanaka believes the information provided is consistent with what she understood as to the property back in 2011. The timesheets provided by counsel for Public Guardian confirm that they have been attempting to transfer the Citibank account into the Public Guardian's control, but for whatever reason, the bank has not yet done that.
- Ms. Yamanaka has offered to provide whatever she has which would assist the Public Guardian, but nothing has been requested since the check registers were provided.
- The objection by Montie Day to this first accounting is yet another rehashing of his anger and unhappiness that his mother decided not to leave him to manage her affairs while she lived, and because she justifiably did not trust him to care for his less fortunate brother, Derrell Day. Mr. Day more than a year ago filed a motion for summary judgment which was more a "hit piece" against his brother and Ms. Yamanaka than a motion to address legal issues. In Mr. Day's response to the request for a trial date, he offered up much the same.
- Mr. Day has personally brought about the diminution of the bank accounts of his mother, at least as far as attorney's fees are concerned. He has caused all parties, except himself, as he has not lawyer he pays, to spend significant money on matters that do not matter to Thelma Day's well-being. He has not shown that Ms. Yamanaka breached any of her duties to Thelma Day or the trust.
- This case only continues because of Montie Day's bullying. As recently as last week, Mr. Day made clear that his chief concern is that Ms. Yamanaka hired the Dowling Aaron law firm and paid the firm money to defend against his own actions. Mr. Day presumably understands that the action Ms. Yamanaka took is within the scope of her responsibilities as the then-successor trustee.

SEE ADDITIONAL PAGES

- Because he is unsatisfied with the facts which relate to the issues before this court, Mr. Day has repeatedly accused Ms. Yamanaka of being involved in a purported Ponzi scheme. Naturally, he has never tried to connect such allegations to Ms. Yamanaka's management of the trust, because there is no connection. He is a bully to those he does not like, and two of the people he has gone out of his way to bully are Ms. Yamanaka and his brother Derrell, who is a loved son of Thelma Day. Counsel for Ms. Yamanaka has attached his declaration with several illustrations of writings which are simply name-calling and unproven criticisms, in much the same way ten-year-olds do on school playgrounds.
- Montie Day has also continually included statements which cast aspersions on his brother Derrell. These statements have nothing to do with the validity of the documents executed in the office of attorney William Coleman, who is a certified specialist in estate planning. Examples provided.
- Ms. Yamanaka's management of the trust and the action she took on behalf of Ms. Day was appropriate. There is no evidence whatever of any harm to the trust or to Thelma Day as the result of any action taken by Ms. Yamanaka.
- The Court pointed out at a recent hearing that it appears the parties are fighting over issues that are no longer directly related to the Thelma Day. Montie Day has taken action on several occasions to compel Ms. Yamanaka to incur legal expenses for no legitimate reason. For example, Mr. Day filed a defective "attempt" at a motion for summary judgment. That the motion was poorly drawn and utterly failed should not absolve him of the harm he has caused and continues to cause Ms. Yamanaka. He has harassed her for more than two years.
- Declaration provides copies of Ms. Yamanaka's check registers and copies of various items filed previously by Montie Day.

Montie S. Day's Response and Objections to Public Guardian's First Accounting and Report of Trustee and Petition for Its Approval; and for Allowance of Fees and Costs, and a Supplemental Response states:

- The appointment of the Public Guardian as trustee was done without any hearing or compliance with the Probate Court. Footnote references Probate Code §15660. As a result, trial could not proceed, and notwithstanding jurisdictional issues, the Public Guardian became trustee.
- With due concern over the financial interest of Thelma Day and in an attempt to assure that the financial means were available to care for her and that the trust would be reserved for such purpose, Montie S. Day and Nicole Anne Day petitioned to require Marilyn Yamanaka to provide a full and accurate accounting. Ms. Yamanaka opposed providing such information and the Court denied the requests.
- For the first time, there has been submitted to the Court what is purported to be an accounting submitted by the Public Guardian, which requests approval of what is purported to be an "Accounting" for the "Thelma Day Trust."

SEE ADDITIONAL PAGES

Page 4

- Montie S. Day and Nicole Anne Day object to the purported accounting and to the request for approval of any attorney fees and costs as well as the trustee's fees and bond costs, and suggest to this Court that until full and accurate information is provided, no such approval orders should be approved, considering that the trust and beneficiaries have potential claims against the Public Guardian for "breach of fiduciary duty."
- The objection states: The fact is that there is as much as \$100,000.00 in assets which are not accounted for, and furthermore claims which may have been lost or damaged as a result of the breach of the duties committed by the trustee.
- The document presenting is **NOT an accounting for the Thelma Day Trust** (*emphasis in original*), but is only an accounting of what the Public Guardian did for the period of 12 months. The accounting in no manner accounts for what assets, expenses, liability, claim or other financial matters were or exist.
- Public Guardian claims to have taken control over one bank account and wrote 46 checks for Thelma Day's care, and seeks fees of \$5,140.01, which, from a practical standpoint, comes to a **cost of \$111.74 per check written** (*emphasis in original*).
- According to the trustee, the cash on hand without regard to the requests totals \$14,118.02. Thelma Day remains in a care facility, and at 98, despite her mental incapacity, is physically mobile and may require continued care for several more years.
- The accounting is substantially flawed, inadequate, and does nothing to account for the assets of the trust, and in fact it is likely more than \$75,000 as well as other assets and potential assets is totally unaccounted for by the Public Guardian.
- The response requests surcharges against the trustee with reference to misappropriation of funds by Ms. Yamanaka, including diverting trust funds to pay the personal expenses of Derrell Day. The objection also details violation of duty to control and preserve trust property by Ms. Yamanaka and/or the Public Guardian (Probate Code 16006.
- Mr. Day states Derrell Day is not entitled to have exclusive personal possession of the residence rent-free until Thelma Day's death under either of the trust agreements.
- The Public Guardian has a duty to enforce claims, which has been totally disregarded to the detriment of Thelma Day. As stated above, the trust has or had claims against Derrell Day, Marilyn Yamanaka, and the Public Guardian as "Trustee." Details provided. A successor trustee is liable to the beneficiary for breach of trust involving acts or omissions of a predecessor trustee in certain circumstances. At this point, the trustee is liable not only for the continuing breach of fiduciary duty, but for the damages resulting from the loss of claims because of failure to perform duties.
- Compensation can be denied with reference to 16420.
- **Supplement** details expenses of Derrell Day and states there is no provision for certain expenses paid by the trust that were his personal expenses. Marilyn Yamanaka should be ordered to repay the trust a total of \$11,913.65.
- The supplement also contains response to the allegations re: Montie S. Day. Details are provided re Ms. Yamanaka's "Ponzi Scheme."

Marie Moore 10-15-96		TIMOTHY MOORE, Successor Trustee, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS:
Edward C. Moore DOD: 9-16-06			
		Former Trustee TERENCE E. MOORE was removed per minute order 11-29-11. The order was signed 12-15-11.	
		Account period: 12-5-11 through 11-28-12	
		Accounting: \$ 7,400.72	
		Beginning POH: \$ 2,354.95	
		Ending POH: \$ 62.16	
<input type="checkbox"/>	Aff.Sub.Wit.		
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		<p>Petitioner requests fees as Successor Trustee in the amount of \$15,000.00 for over 300 hours @ \$50/hr. Petitioner states that when the court first appointed him as trustee, he stated that he would not charge a fee. At that time, he had no idea that he would spend over 300 hours to determine what the prior trustee had done or not done and to determine what assets remained. Petitioner states he completed the basic duties required of a trustee from 2006 to present, including taxes, bills, searching for unreported/stolen assets, such as the Sturm-Ruger stock certificates transferred to Terence Moore's private account and a prepaid funeral plan). Petitioner determined that the former trustee had taken tens of thousands of dollars from the trust, lied to the court, and stole fishing equipment and other personal property items before turning over the storage to Petitioner.</p> <p>Reimburse Successor Trustee: \$13,257.95 (for accounting and attorney fees, administration costs advanced per declaration)</p> <p>Petitioner prays for an order:</p> <ol style="list-style-type: none"> 1. Settling and allowing the account and approving and confirming the acts of Petitioner as successor trustee; 2. Waiving future trust accountings; 3. Authorizing Petitioner to pay to himself from trust or by requesting reimbursement from trust beneficiaries of their proportionate share of trust distributions the sum of \$13,257.95 which Petitioner has advanced on behalf of the trust; 4. Authorizing Petitioner to pay to himself, from trust or by requesting reimbursement from trust beneficiaries the sum of \$15,000.00 as Trustee fees/compensation; and 5. For such other orders as the Court may deem proper. 	<p>Reviewed by: skc</p> <p>Reviewed on: 1-24-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 - Moore</p>

**Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob.
C. 8002, 10450)**

DOD: 08/01/2012		LARRY LUNA , surviving spouse is petitioner and requests appointment as Administrator without bond. Full IAEA-o.k. Decedent died intestate. Residence: Fowler Publication: The Business Journal	NEEDS/PROBLEMS/COMMENTS: 1. Need Affidavit of Publication in the correct newspaper pursuant to Local Rule 7.9A. Petitioner indicates residence was in Fowler therefore the correct publication should be <i>The Fowler Ensign</i> . Petitioner published in The Business Journal. Note: Decedent died intestate survived by a spouse (petitioner) and her mother, Pui Chang Lee. Pursuant to intestate succession decedent's spouse would be entitled to all community property and her spouse and mother would divide any separate property. Petitioner alleges all property is community. Note: Decedent's mother has not waived bond. Note: If the petition is granted status hearings will be set as follows: <ul style="list-style-type: none"> • Friday, 06/28/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 03/28/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
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<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
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<input checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
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<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order	Reviewed by: LV Reviewed on: 01/18/2013 Updates: Recommendation: File 5 - Luna	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Atty Bagdasarian, Gary G., sole practitioner (for Petitioners Janice Stewart and Mark Lawson, Successor Co-Trustees)

Petition for Settlement of Final Account and Report of Co-Trustees and Termination of Trust (Prob. C 1061-1064, 15407(a)(2) and (b), 15800-15804, 16062, 10664, 17200(b)(5), 17203, CRC 7.902)

DOD: 2/26/2011		JANICE STEWART and MARK LAWSON, Successor Co-Trustees of the JIM D. HINTON 1993 TRUST dated 6/24/1993, are Petitioners.		NEEDS/PROBLEMS/ COMMENTS:
Cont. from		Accounting - \$1,420,505.57		
Aff.Sub.W		Beginning POH - \$1,401,387.56		
✓ Verified		Ending POH - \$ 827,316.64		
Inventory				
PTC		Subsequent Account period: 5/1/2012 – 9/10/2012		
Not.Cred.		Accounting - \$829,343.56		
✓ Notice of Hrg		Beginning POH - \$827,316.64		
Aff.Mail		Ending POH - \$220,612.69 (all cash)		
Aff.Pub.		Co-Trustee - \$6,308.24		
Sp.Ntc.		(no itemization; covers both account periods; paid to Co-Trustee Janice Stewart.)		
Pers.Serv.		Accountant - \$8,675.00		
Conf. Screen		(no itemization; \$4,825.00 for first account period, \$3,850.00 for subsequent account period; paid to M. Green and Co., LLP.)		
Letters		Attorney - \$43,372.34		
Duties/S		(no itemization; \$38,791.47 for first account period, \$4,580.87 for subsequent account period.)		
Objectn		Reserve - \$30,612.69		
Video Receipt		(for fiduciary income tax returns, tax liabilities, expenses, fees and costs of co-trustees, accountant and attorney incurred after the date of entry of Court order.)		
CI Report				
9202				
✓ Order		Petitioners state:		Reviewed by: LEG
Aff. Post		<ul style="list-style-type: none"> The Petition for Settlement of Account is reasonably necessary for the protection of the interests of the Successor Co-Trustees and the beneficiaries because without the approval of the Court as to the Account and Report, the Co-Trustees would be required to hold back substantial funds from distribution to the beneficiaries to cover potential costs of litigating any claims made during the ~3 years until the statute of limitations expires; 		
Status Rpt				Reviewed on: 1/18/13
UCCJEA				Updates:
Citation				Recommendation:
FTB Notc		~please see additional page~		File 6 - Hinton

Petitioners state, continued:

- Co-Trustees seek timely determination of all matters presented in this account so that beneficiaries may receive distributions without lengthy delay;
- Pursuant to consents of beneficiaries to *Notice of Proposed Action*, 11 preliminary distributions of cash and personal property items were made from the Trust and received by the three beneficiaries totaling **\$894,818.98**; a proposed preliminary distribution to **LINDSEY H. HINTON** in the amount of **\$150,000.00** cash reflected in the account was never made as she never requested the preliminary distribution;
- Pursuant to the *Agreement Between Beneficiaries Concerning Distribution of Personal Property and Effects* signed by all three beneficiaries (*attached as Exhibits E1, E2, E3*), the Trustees distributed appraised personal property totaling **\$14,819.00**; based upon the distributions, the amounts allocated to each of the beneficiaries is set forth as an increase or decrease to the beneficiary's distribution depending on the personal property received;
- The Trust will incur additional trustee, accounting and attorney's fees and costs and will incur additional filing fees for this petition in an uncertain amount over and above the trustee, accounting and attorney's fees incurred to the date of filing this account, for which the Petitioners request a reserve of **\$30,612.69** to be held for closing expenses including filing fiduciary income tax returns, payment of tax liabilities, and expenses properly incurred in the distribution of the Trust estate, and co-trustee's fees, accountant's fees and attorney's fees and costs incurred after the date of entry of an order of this Court on this petition;
- The Trust estate available for distribution is **\$190,000.00** (represented by **\$220,612.69** less **\$30,612.69** reserve), plus **\$150,000.00** not previously distributed to Lindsey H. Hinton, and is proposed to be distributed as follows:
 - **TERESA ANN KERN, daughter – 50%** interest in the estate totaling **\$97,284.00** (\$95,000.00 plus \$2,284.00 personal property distribution allocation);
 - **CERA A. GHAVIMI, granddaughter – 25%** interest in the estate totaling **\$41,861.00** (\$47,500.00 less \$5,639.00 personal property distribution allocation);
 - **LINDSEY H. HINTON, granddaughter – 25%** interest in the estate totaling **\$200,855.00** (\$47,500.00 plus \$3,355.00 personal property distribution allocation plus \$150,000.00 preliminary distribution not taken previously);
- Petitioners request that after distribution and receipts filed in connection with distribution, the Co-Trustees are discharged and released from liability for all acts taken by them as Successor Co-Trustees of the Trust.

Petitioners pray for an Order:

1. That this Account and Report be settled, allowed and approved, and all of the acts and transactions of Petitioners set forth in it be ratified, confirmed and approved;
2. That Petitioners be allowed to retrain a reserve of **\$30,612.69**;
3. That Petitioners be allowed to distribute the sums [*noted above*] to the beneficiaries; and
4. That the Successor Co-Trustees and their attorneys and accountants be discharged and released from liability for all acts taken by them as described in the petition.

DOD: 08/25/2012			GUY R. GOYETTE , son is petitioner and requests appointment as Administrator with Will annexed without bond. Full IAEA-o.k. Holographic Will dated: 10/05/2011 Residence: Clovis Publication: The Business Journal <u>Estimated value of the Estate:</u> Real property - \$220,000.00 Total: - \$220,000.00 Probate Referee: Steven Diebert	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> If the petition is granted status hearings will be set as follows: <ul style="list-style-type: none"> • Friday, 06/28/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 03/28/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
Cont. from				
✓	Proof of Holographic Inst.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	w/o		
✓	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: LV
Reviewed on: 01/18/2013
Updates:
Recommendation: Submitted
File 7 - Goyette

Atty Burnside, Leigh W (for Randy Woodrum – Petitioner – Son)

Atty Fanucchi, Edward L. (Court Appointed for Conservatee)

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820,
1821, 2680-2682)

Age: 87		NO TEMPORARY REQUESTED		NEEDS/PROBLEMS/COMMENTS:	
		<p>RANDY WOODRUM, son, is petitioner and requests appointment as Conservator of the person, with medical consent and dementia powers to administer dementia medications and for placement in a secured perimeter facility.</p> <p>Capacity Declaration - Needed</p> <p>Petitioner states: the proposed conservatee suffers from Alzheimer's/dementia, is diabetic and has high blood pressure. She has severe short term memory loss. She is incapable of taking care of herself and is currently located in a locked down facility for patients with Alzheimer's where they bathe and feed her and monitor all her medications. Because of her condition, she is frequently in a rage and refuses medication and help, and verbally and physically abuses staff and relatives who visit.</p>		<p>1. Need Capacity Declaration.</p> <p>Court Investigator Samantha D. Henson to provide:</p> <ul style="list-style-type: none"> • CI Report • Advisement of Rights 	
Cont. from					
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail			w/	
	Aff.Pub.				
	Sp.Ntc.				
✓	Pers.Serv.			w/	
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
✓	Video Receipt				
	CI Report	x			
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
✓	Citation				
	FTB Notice				
				Reviewed by: LV	
				Reviewed on: 01/22/2013	
				Updates:	
				Recommendation:	
				File 8 - Woodrum	

DOD: 9-3-09		<p>TERESA GOODING, daughter, was appointed as Administrator of the Estate with Limited IAEA with cash to be placed in a blocked account on 2/2/11. Letters issued 2/3/11.</p> <p>A Corrected Final I&A was filed 12-7-12.</p> <p>First Account or Petition for Final Distribution is now due.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 2-2-12, 7-31-12, 10-29-12</u></p> <p>1. Need First Account or Petition for Final Distribution or status report regarding the assets of the estate.</p>	
Cont. from 020212, 073112, 102912				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			
<input type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			2/3/11
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			X
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
<p>Reviewed by: NRN / skc</p> <p>Reviewed on: 1-18-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9 - Sanchez</p>				

10 **Bernice Dunn (CONS/PE)** Case No. 10CEPR01051
 Atty O'Neill, Patricia B (for Petitioner/conservator of the person Timothy Moore)
 Atty LeVan, Nancy J. (court appointed for Conservatee)
 Atty Kruthers, Heather H (for Public Guardian/conservator of the estate)
**First Amended Petition for Reimbursement of Conservator, for Attorney Fees,
 Instructions and Discharge of Counsel (Prob. C. 2642)**

Age: 85 years		<p>TIMOTHY MOORE, Conservator of the Person, is Petitioner.</p> <p>PUBLIC GUARDIAN is Conservator of the Estate.</p> <p>Petitioner requests \$2,348.00 reimbursement of personal funds expended in connection with moving the Conservatee to a new (less expensive) facility, including \$348.00 paid to Attorney John Barrus for assistance with negotiations (which ultimately failed; however, Petitioner was successful in his petition to relocate the Conservatee), and the \$2,000.00 deposit paid to the facility (Palm Gardens).</p> <p>Petitioner requests \$2,075.00 for fees and costs incurred by Attorney Patricia Bone O'Neill in the sum of itemized at 8.2 hours @ \$200.00/hr plus \$435.00 in costs.</p> <p>Petitioner also describes a situation that occurred where the Conservatee was hospitalized (from a fall) and required extra care from Palm Gardens facility staff to be present for assistance during her hospitalization.</p> <p>Petitioner states he was directed by the Public Guardian to make arrangements for the supplemental care and have the bills sent to them; however, they initially refused to pay because of a confusion about the extent of the care required by conservatee. In order to maintain the supplemental care, Petitioner paid from his personal funds, and sought reimbursement from the Public Guardian. Petitioner states the Public Guardian eventually reimbursed him and suggested that it would week guidance from the Court regarding how to handle this in the future due to tension between Petitioner and the Public Guardian.</p>	NEEDS/PROBLEMS/COMMENTS:	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W/
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		Reviewed by: KT Reviewed on: 1/22/13 Updates: Recommendation: File 10 - Dunn		

Petitioner states Nancy J. LeVan was appointed counsel for the conservatee on 12/8/2010. Probate Code § 1471(b) requires appointment of counsel where the court has determined that appointment would be "helpful to the resolution of the matter or is necessary to protect the interests of the conservatee." Petitioner alleges counsel is no longer "helpful to the resolution of the matter" and sufficient protections are now in place to protect conservatee's interests.

The Public Guardian has been appointed the Conservator of the Estate to protect the conservatee's funds and must answer to the court biennially for all expenditures from the conservatee's estate. Timothy Moore has been appointed Conservator of the person to be certain the conservatee's physical needs are met. Additionally, the Court conducts an annual review to be certain the conservatee is in the least restricted environment and her needs are being met, and that Conservator is acting appropriately as conservator.

Appointed counsel is no longer helpful in resolving this matter. Appointed counsel objected to Conservator being appointed as conservator of the person and nearly forced the matter to trial until Conservator agreed not to move the conservatee without a noticed motion. When Conservator of the person was directed by the Conservator of the estate to move the conservatee to a less expensive facility, appointed counsel objected to the facility into which Conservator, after much research, chose to place the conservatee. Appointed counsel objects to the reimbursement of Conservator of the Person's expenses he incurred to file the motion before moving the conservatee and for deposits made to the new facility to be certain conservatee would have a place to live. Appointed counsel appears to have placed herself in the middle of a squabble between conservator and his siblings, rather than being helpful to resolve legitimate issues that Conservator has presented to the court for conservatee's benefit.

All of appointed counsel's attorney's fees are being paid from the conservatee's estate. Because there are protections in place for the conservatee, appointed counsel's continued representation of the conservatee is not necessary nor is it in the best interest of the conservatee.

Petitioner requests that the Court:

1. Find that all services for which compensation is sought were rendered in good faith and in the best interest of the conservatee and the conservatorship.
2. Make an order approving this petition and directing the conservator of the estate pay Timothy Moore from the conservatorship estate the sum of \$2,348.00 as reimbursement for funds expended on behalf of the conservatee.
3. Make an order approving this petition and directing the conservator of the estate pay Patricia Bone O'Neill the sum of \$2,075.00 from the conservatorship estate for services rendered on behalf of the conservatorship.
4. Issue instructions to both conservator of the person and conservator of the estate on how to handle supplement expenses for conservatee's benefit.
5. Find that appointed counsel is no longer necessary or helpful to the resolution of the issues herein or to protect the conservatee's interest.
6. Make an order discharging Nancy J. LeVan from her duties as counsel for the conservatee.

Petition for Termination of Guardianship

Monica Age: 14		MONICA GARCIA , mother, is petitioner.		NEEDS/PROBLEMS/COMMENTS:	
Nathaniel Age: 9		JOSEFINA RIOS , paternal grandmother was appointed guardian on 10/20/2005.		1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing of the Petition for Termination of Guardianship or declaration of Due Diligence for:	
		Guardian was served by mail on 01/15/2013.		<ul style="list-style-type: none"> Pedro Rios (Father) – Unless the Court Dispenses with Notice. 	
Cont. from				Note: Declaration of Due Diligence states that Pedro Rios was deported to Mexico five years ago when he was released from prison.	
	Aff.Sub.Wit.	Father: PEDRO RIOS , Declaration of Due Diligence		<ul style="list-style-type: none"> Raymond Garcia (Maternal Grandfather) – Unless the Court Dispenses with Notice 	
✓	Verified			Note: Declaration of Due Diligence states residence is unknown.	
	Inventory	Paternal Grandfather: Guadalupe Rios, served by mail on 01/15/2013		<ul style="list-style-type: none"> Josefina Rios (Guardian) 	
	PTC			Note: Service was 13 days prior to the hearing and not the required 15 days.	
	Not.Cred.			<ul style="list-style-type: none"> Guadalupe Rios (Paternal Grandfather) 	
✓	Notice of Hrg	Maternal Grandfather: Raymond Garcia, Declaration of Due Diligence		Note: Service was 13 days prior to the hearing and not the required 15 days.	
✓	Aff.Mail	w/	Maternal Grandmother: Elvera Rosary Alarcon, served by mail 01/15/2013	<ul style="list-style-type: none"> Elvera Rosary Alarcon (Maternal Grandmother) 	
	Aff.Pub.			Note: Proof of service by mail does not provide the address that the maternal grandmother was served.	
	Sp.Ntc.				
	Pers.Serv.				
	Conf. Screen		Petitioner states: she would like the opportunity to raise her children. She states she is concerned with the children's wellbeing while in the care of the guardian.		
	Letters		Petitioner states that the eldest child, Monica, has too much free time and is unattended. The child informed the mother that she walks a half mile to the bus stop from school just because she wants to.		
	Duties/Supp		Petitioner is concerned with Nathaniel, the youngest child's, health. Petitioner states that she is currently attending Fresno Adult School where she is working on obtaining her GED. Petitioner states upon completion of her GED she plans on learning a trade.		
	Objections		Please see additional page		
	Video Receipt				
✓	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				

Reviewed by: LV
Reviewed on: 01/22/2013
Updates:
Recommendation:
File 11 - Rios

Attached to the Petition are two letters, one from each of the children stating that they wish to reside with their mother. The eldest child, Monica, states that it would be best if she lived with her mother because then she would have a ride to and from school each day. She also stated that there was an incident in which she had an ear infection for four days and was not taken to the doctor until she was with her mother.

Objection of Guardian, Josefina Rios, filed 01/22/2013: Guardian stated that she has been caring for the children for 7 ½ years, and that she has always taken the children to doctor's appointments or has taken them to the hospital each time they were sick. She states that in the 7 ½ years the mother has only taken the children once to the hospital. The Guardian states that the eldest child, Monica Rios, is given a ride to school each morning by her aunt, and after school she takes the bus which is in front of the school and her grandfather meets her at her bus stop and walks her home. The paternal grandfather, Guadalupe Rios, also walks the youngest child, Nathaniel, to and from school each day. The guardian states that the mother often shows up at Nathaniel's school unannounced or without prior notice to the guardian. The guardian describes one incident in which the child, Monica Rios, jumped from her mother's car while it was in motion because she became upset with her. She states that the mother is mentally and emotionally unstable and that she is in need of counseling. The guardian is in the process of getting the children into counseling but states it is a long process.

Attached to the Guardian's objection are letters from her children, the mother's sister, and the children's cousin all in agreement that the termination of guardianship would not benefit the children.

Objection of Maternal Grandmother, Elvera Alarcon, filed 01/22/2013: Maternal grandmother states that she is concerned for the wellbeing of her grandchildren should they be returned to their mother. She states that the mother has been on and off of drugs and that her last relapse caused the maternal grandmother to call CPS which resulted in the Court granting her permanent guardianship of the mother's other three children. The maternal grandmother states that the mother has a total of 7 children but only has custody of one of them. She states that the mother does not have a job, nor does she have a vehicle with valid registration or insurance to transport the children. The maternal grandmother believes it will be detrimental to the children if they were to be ripped from their guardian who has been caring for them for the past 8 years.

Court Investigator Jo Ann Morris' report filed 01/17/2013.

13 Angelina Gonzales & Manuel Gonzales (GUARD/P) Case No. 11CEPR00475
Atty Gonzales, Monique Marie (pro per Guardian/paternal aunt)
Atty Gonzales, Angel III (pro per Petitioner/father)
Petition for Termination of Guardianship

Age: 3 years			ANGEL GONZALES, III , father, is petitioner.			NEEDS/PROBLEMS/COMMENTS:		
			MONIQUE GONZALES , paternal aunt, was appointed guardian on 1/30/2012 – consents and waives notice.			This petition is as to <u>ANGELINA GONZALES</u> only.		
			Mother: MIRANDA HIJAREDA – served by mail on 1/7/13			1. Petition is incomplete.		
Cont. from			Paternal grandfather: deceased			a. It does not state why terminating the guardianship is in the best interest of the minor (#5 of the petition)		
	Aff.Sub.Wit.		Paternal grandmother: Jeanetta Ball – served by mail on 1/7/13			b. Does not list the names and current addresses of the relatives of the minor (#9 of the petition).		
✓	Verified		Maternal grandfather: deceased					
	Inventory		Maternal grandmother: Lisa Valdez – served by mail on 1/7/13					
	PTC							
	Not.Cred.							
✓	Notice of Hrg		Petitioner states ???					
✓	Aff.Mail	W/	Court Investigator Julie Negrete's Report filed 1/18/2013					
	Aff.Pub.							
	Sp.Ntc.							
	Pers.Serv.							
	Conf. Screen							
	Letters							
	Duties/Supp							
	Objections							
	Video Receipt							
✓	CI Report							
	9202							
✓	Order							
	Aff. Posting					Reviewed by: KT		
	Status Rpt					Reviewed on: 1/22/13		
	UCCJEA					Updates:		
	Citation					Recommendation:		
	FTB Notice					File 13 - Gonzales		

14 **Elijah & Elaina Vasquez (GUARD/P)** Case No. 11CEPR00584
 Atty Hopper, Cindy J (for Guardians Rebecca Elizondo, Abraham Elizondo and Lisa Elizondo)
 Atty Vasquez, Elizabeth (pro per Mother)
 Atty Vasquez, Michael Jay (pro per father)

Petition for Visitation

Elijah age: 8		REBECCA ELIZONDO, maternal aunt, ABRAHAM ELIZONDO, maternal grandfather and, LISA ELIZONDO, maternal grandmother, are petitioners.	NEEDS/PROBLEMS/ COMMENTS:
Elaina age: 6			
		Petitioners were appointed guardians on 9/7/2011.	<p>Note: Court Trial re: Visitation is set for 3/11/13 at 10:30 a.m. in Dept. 303.</p>
Cont. from		Father: MICHAEL JAY VASQUEZ – personally served on 1/16/13	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W/	
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		<p>Petitioners state the motion is brought on the grounds that Michael Vasquez and Elizabeth Vasquez are a danger and threat to the children. The Family Court has granted permanent restraining orders protecting the children from their respective parents, however the Family Court deferred the issue of the parents having visitation with the children to the Probate Court.</p> <p>Petitioners allege that since the establishment of the guardianship both parents have habitually made false claims of abuse against the guardians to both the Fresno Police Department and Child Protective Services. The parents both use their time at CYS to interrogate the children. Then they proceed to call the Fresno Police Department and Child Protective Services to make false allegations. The police have come to the Guardians' home to question the children. The children have told police officers again and again that they are not being harmed. Both children are very frightened and cry after being interrogated by the police and social workers.</p> <p>Both children have received extended therapy sessions with their individual licensed mental health clinicians due to all the continued false allegations and lies by the parents.</p> <p>Please see additional page</p>	
			<p>Reviewed by: KT</p> <p>Reviewed on: 1/22/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14 - Vasquez</p>

Both children are in counseling and Petitioners have spoken to each child's counselor and they have informed Petitioners that the children continue to need intense and extended therapy which Petitioners believe is a direct result of their parents' continued actions.

Petitioners request the court grant a temporary order of no contact between the children and Elizabeth Vasquez and Michael Vasquez pending a full hearing on the issue.

Declaration of Elizabeth Vasquez (mother) filed on 1/14/13. Mother states she is objecting to the modification of the visitation. Visitation with the children is conducted at CYS for two hours. Visitation has strict guidelines with rules and regulations. Before visits were started both parties had to attend orientation and sign and initial all the rules and regulations which must be followed for visits to occur. There have been a few instances that mom would like to bring to the court's attention. She has concerns about the well-being of the children. On the visit on Wednesday, July 11, 2012, Elijah kept complaining about a headache that he got from being out in the sun all day. There was a heat advisory that day and the temperature was 105. After the visit mom states she was concerned and sent a text to her mother, Lisa Elizondo, simply asking if Elijah was okay, and if he was getting plenty of water to keep hydrated since he had a headache. Lisa Elizondo's response was LEAVE ME ALONE. On the Wednesday, 8/26/12 visit Elijah had a black eye and scratches all over his face. It looked as if he had been punched. CYS documented this. Mom states she was truly concerned about her son because the Elizondo's 18 year old son, Andrew was living with them and had been constantly bullying Elijah. Elijah stated on one occasion, "Uncle Andrew throws chips on the floor and makes me eat them like a dog." Mom alleges the Elizondo's refuse to have any kind of contact with her about her children. She has not contacted them in the past to bother them, she just simply wanted to know about her children. Mom states she has been making positive changes in her life since the guardianship was granted. She is trying with all her heart to regain custody of her children. Mom states she truly believes that the guardians will do anything in their power to try to destroy any kind of relationship and bond that she has with her children.

Declaration of Michael Vasquez (father) filed on 1/15/13. Father states the visits with his children are held at a supervised agency where the visits are monitored and documented. Since the visits have been supervised father state he has only had great visits. They watch movies, play board games, read books together and have really started to bond again since the guardianship was granted.

Father alleges that the guardians are not abiding by the court's order for visitation. The last time he was able to speak to his children was on 11/4/12. The last time he was able to speak to the children was on 11/12/12. Father states on 11/15/12 he called to speak to the kids for his scheduled telephone visit, there was no answer. Father states he called three more times, again no answer. ON 11/18/12 Father states he went to CYS for his scheduled visit he saw Rebecca Elizondo waiting outside. When he walked to the door a man approached and served him with paperwork for a Temporary Restraining Order. This is in violation of CYS' rules and procedures that state there will be no serving of court documents on CYS property. On 12/5/12 Father states he attended the Restraining Order hearing where the Elizondo's asked the Family Court Judge to take away his visitation. The Restraining Order was granted but since there was a probate case open the child visitation was to remain. Father states he contacted CYS on 12/19/12 and showed them that he should still be having visits. CYS stated they had filled his visitation day and that they had to contact the Elizondo's to schedule a different date for the visits. Father states he has been in contact with CYS for 4 weeks and that the Elizondo's have not been in contact with CYS. The guardians refuse to have any contact with CYS or to allow him to visit. Father is requesting to have all his back visits that he has missed since 11/4/12.

Minute Order dated 1/16/13 ordered that there be no visitation or telephone calls between the mother, father, and the children in the interim pending the next hearing.

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 4		TEMPORARY EXPIRES 1-28-13	NEEDS/PROBLEMS/COMMENTS:
Cont. from 102212		MONICA L. MEJIA, Maternal Grandmother, is Petitioner.	<u>Continued from 10-22-12.</u>
	Aff.Sub.Wit.	Father: ERNEST FERNANDEZ	<u>Minute Order 10-22-12 [Judge Snauffer]:</u> With respect to Indian ancestry, the Petitioner informs the Court that she was adopted, but her biological mother was full Cherokee. Matter continued to 1/28/13. The temporary is extended to 1/28/13. The Court directs the Petitioner to speak with the examiner following today's hearing. Continued to 1/28/13. Temporary extended to 1/28/13.
✓	Verified	- Consents and waives notice	
	Inventory	Mother: PRISCILLA MEJIA	
	PTC	- Consents and waives notice	
	Not.Cred.	Paternal Grandfather: Not listed	
	Notice of Hrg	Paternal Grandmother: Not listed	
	Aff.Mail	Maternal Grandfather: Not listed	
	Aff.Pub.	Petitioner states the father is in jail for injury to a minor which is his own child and mother is absent and needs to get her life together she says.	<u>As of 1-18-13, nothing further has been filed. The following issues remain:</u>
	Sp.Ntc.		1. Need Notice of Hearing.
	Pers.Serv.		2. Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice or declaration of due diligence on:
✓	Conf. Screen	Court Investigator Jennifer Young filed a report and clearances on 10-17-12. The report recommends the Petition be GRANTED as Petitioner is providing a safe and stable environment for Jeremiah.	- Paternal Grandfather (not listed)
✓	Letters		- Paternal Grandmother (not listed)
✓	Duties/Supp		- Maternal Grandfather (not listed)
	Objections		Examiner notes that the father may be able to provide information about the paternal grandparents for notice purposes.
	Video Receipt		<u>SEE PAGE 2</u>
✓	CI Report	However, the CI Report notes that there is Indian (Cherokee) heritage on the maternal side of the family – Petitioner's mother (the minor's great-grandmother); however, because Petitioner was adopted, her case would have to be reopened.	
✓	Clearances		
✓	Order		
	Aff. Posting		Reviewed by: skc
	Status Rpt		Reviewed on: 1-18-13
✓	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 15 – Fernandez

The following issue was previously noted. The Court may require status of this information:

3. The Investigation Report indicates there is Indian (Cherokee) ancestry in the maternal family, but that because the Petitioner was adopted, the records are closed.

The Court may require further information and notice to appropriate parties/agencies pursuant to the Indian Child Welfare Act. Note that the information that is needed is information regarding the child's relatives, and opening old adoption records may not be necessary for this guardianship. Please fill out as much information as you can on the ICWA-030 and return it to the Probate Clerk's Office as soon as possible.

Need ICWA-030 Notice of Child Custody Proceeding for Indian Child filled out and returned to the Probate Clerk's Office. The ICWA-030 must be served prior to hearing with copies of petition and all attachments on on the child's parent; any Indian custodian; any Indian tribe that may have a connection to the child; the Bureau of Indian Affairs (BIA), and possibly the U.S. Secretary of the Interior, by certified or registered U.S. Mail, return receipt requested. (Please see Probate Code 1460.2, and CA Rules of Court 7.1015.)

The Probate Clerk will then mail the notice to the required agencies as required. After mailing, per item 2 above, need proof of service of notice, including copies of the notices sent and all return receipts and responses received, pursuant to Probate Code 1460.2(d).

The Court Investigator previously provided the form, but a blank copy was also provided to the petitioner at the hearing, and is available at the Probate Clerks Office if necessary.

Update: It does not appear that anything further was provided to the Court since the last hearing. Continuance may be required for completion of these documents by the Petitioner, service by the Court, and time for response from the agencies.

Petition for Probate of Will and for Letters Testamentary (Prob. C. 8002, 10450)

DOD: 11/18/12		JOANN FRIEDWALD , relationship not stated, is Petitioner and requests appointment as Executor (issue of bond not addressed). FULL IAEA – NEED (Not published for) Petitioner is a resident of Wasilla, Alaska. Will dated: ??? (Need copy of Will) Residence: Fresno Publication: The Fresno Bee	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED TO 02/19/12</u> Per Petitioner's request Need amended Petition based on, but not limited to, the following: <ol style="list-style-type: none"> Item 2(d) of the petition is not completed regarding bond. Petitioner is requesting appointment as Executor; however, no copy of the Will is attached to the petition, therefore the Examiner is unable to determine whether Petitioner was nominated as Executor. Need copy of the Will. Item 3(d) of the Petition is incomplete. At least one option should be checked. Item 3(e) of the Petition is not completed. At least one option should be checked. Item 3(f) of the Petition is not completed. At least one option should be checked. Item 3(g) of the Petition is not completed. At least one option should be checked. Either Item 5(a)(7) or (8) should be checked regarding issue of a predeceased child. Item 5(b) of the Petition was not completed. Item 8 of the Petition does not state the Petitioner's relationship to the Decedent. Note: Item 8 of the Petition is to include the names, relationships to decedent, ages and addresses of all persons mentioned in decedent's will and all persons named or checked in items 2, 5, 6, and 7. Need <i>Notice of Petition to Administer Estate</i> and Proof of Service by mail at least 15 days before the hearing to any and all persons who should be named in Item 8 of the Petition. Publication does not include that the Petitioner is requesting Full Authority under the Independent Administration of Estates Act (IAEA). Need revised publication if Full IAEA is to be granted. 	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			x
<input type="checkbox"/>	Aff.Mail			x
<input checked="" type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order	Probate Referee: RICK SMITH Note: If the petition is granted status hearings will be set as follows: <ul style="list-style-type: none"> Friday, 06/28/13 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and Friday, 03/28/14 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.	Note: The court may require bond if the proposed personal representative resides outside California or for other good cause, even if the will waives bond, pursuant to California Rules of Court 7.201(b) and Probate Code 8571.	
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Reviewed by: JF
Reviewed on: 01/22/13
Updates:
Recommendation:
File 16 - Friedwald

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

Michael, 6	CRYSTAL DENISE FAIRLY , maternal second cousin, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian of the Person</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for: - Michael's father (unknown)
Lanae, 5		
	Father (Michael): UNKNOWN	
	Father (Lanae): MICHAEL RODRIGUEZ –	
	<i>Personally served on 01/17/13</i>	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.	Mother: SARA WHITE – <i>Personally served on 01/17/13</i>	
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	Paternal grandparents: UNKNOWN –	
<input type="checkbox"/> PTC	<i>Declaration of Due Diligence filed 01/22/13</i>	
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Maternal grandfather: MELVIN WHITE –	
<input type="checkbox"/> Aff.Mail	<i>Consent & Waiver of Notice filed 01/22/13</i>	
<input type="checkbox"/> Aff.Pub.	Maternal grandmother: GLORIA WHITE	
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.	Petitioner alleges that temporary guardianship is necessary because the children's health and educational needs are being neglected. They children appear to be malnourished and have visible dental problems that are not being addressed. The children are currently living with Lanae's father, Michael Rodriguez, in a drug area. Petitioner alleges that the home is not a positive environment for children. Petitioner further alleges that Mr. Rodriguez is unable to provide for the childrens needs at this time and that temporary guardianship is in the children's best interest so that they can be in a secure, loving environment.	
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice	Declarations of Crystal Fairly (Petitioner), Raquel White (maternal aunt), and Dr. Lachelle R. Hannickel (maternal aunt) filed 01/14/13 support Petitioner's petition for temporary guardianship and describe neglect and the poor living conditions where the children currently reside. All three ask that temporary guardianship be granted to Petitioner.	
		Reviewed by: JF
		Reviewed on: 01/22/13
		Updates: 01/23/13
		Recommendation:
		File 17 – White & Rodriguez

Nathan, 6 DOB: 07/10/06		TEMPORARY GRANTED 1-3-13 WAS RESCINDED 1-23-13 GENERAL HEARING 3-6-13 RAMONA TREJO , a non-relative, was granted temporary guardianship on 1-3-13. Father: DANIEL BOONE – <i>Notice dispensed per Minute Order 1/3/13</i> Mother: JENNIE MENDEZ – <i>Consent & Waiver of Notice filed 12/13/12</i> Paternal grandparents: NOT LISTED Maternal grandparents: NOT LISTED On 1-23-13, KIMBERLEY VIDAURRI , Paternal Aunt, filed an Ex Parte Application for: 1. Quash Temporary Orders; 2. Dismiss or Transfer Case; of 3. Order Shortening Time. Pursuant to the Ex Parte Application, the Court ordered the temporary guardianship RESCINDED and reset this hearing regarding Ms. Trejo's petition. Ms. Trejo's petition states: The father is admittedly not taking his medication for mental health issues and has relapsed into using meth. The boys' education is suffering due to numerous absences from school. Petitioner states that she raised the children's mother as a foster mother and has always been a part of the boys' lives. Petitioner states that she considers them to be her grandsons. Petitioner feels it's in the boys' best interest to be in a stable, structured and nurturing home, which she has provided in the past, and would like to do so again. <div>SEE ADDITIONAL PAGE</div>	NEEDS/PROBLEMS/COMMENTS:	
Daniel, 5 DOB: 08/15/07				
<input type="checkbox"/>	Aff.Sub.Wit.			<input type="checkbox"/>
<input checked="" type="checkbox"/>	Verified			<input type="checkbox"/>
<input type="checkbox"/>	Inventory			<input type="checkbox"/>
<input type="checkbox"/>	PTC			<input type="checkbox"/>
<input type="checkbox"/>	Not.Cred.			<input type="checkbox"/>
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>		
<input type="checkbox"/>	Aff.Mail	<input type="checkbox"/>		
<input type="checkbox"/>	Aff.Pub.	<input type="checkbox"/>		
<input type="checkbox"/>	Sp.Ntc.	<input type="checkbox"/>		
<input type="checkbox"/>	Pers.Serv.	<input checked="" type="checkbox"/>		
<input checked="" type="checkbox"/>	Conf. Screen	<input type="checkbox"/>		
<input type="checkbox"/>	Letters	<input type="checkbox"/>		
<input checked="" type="checkbox"/>	Duties/Supp	<input type="checkbox"/>		
<input checked="" type="checkbox"/>	Objections	<input type="checkbox"/>		
<input type="checkbox"/>	Video Receipt	<input type="checkbox"/>		
<input type="checkbox"/>	CI Report	<input type="checkbox"/>		
<input type="checkbox"/>	9202	<input type="checkbox"/>		
<input type="checkbox"/>	Order	<input type="checkbox"/>		
<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>		
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>		
<input checked="" type="checkbox"/>	UCCJEA	<input type="checkbox"/>		
<input type="checkbox"/>	Citation	<input type="checkbox"/>		
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>		

Page 2

Ex Parte Application for: 1. Quash Temporary Orders; 2. Dismiss or Transfer Case; of 3. Order Shortening Time requests the Court quash the orders for temporary guardianship based on lack of notice and fraud on the part of the proposed guardian and mother, and further requests that the Court either dismiss the action in its entirety or transfer it to **Riverside County** and consolidate with the pending action there.

Objector Kimberly Vidauri's declaration states she is the paternal aunt of the children, ages 5 and 6. The children were previously in foster care pursuant to Fresno Superior Court Juvenile Dependency Case No. 04CEJ300181 and pursuant to the exit orders, the father was awarded full custody and the mother was given supervised visitation. The dependency case was closed in Feb 2011 and became a Family Court order in Fresno Superior Court Case No. 10CEFL03971. Since the final orders were made in that case, the mother has had little or no contact with the children.

Ms. Vidauri states the children have been bounced around from caretaker to caretaker their entire lives. They lived with the mother and father until about ages 2 and 3. From there, they were placed in foster care. The proposed guardian in this matter acted as a foster mother for approx. 8 months in 2008. The children lived in other foster homes until 2011 when they were placed with the father; however, in actuality, they lived with Mr. and Mrs. Vidauri until December 2011. The children only lived with Ramona for a brief period of time, *and cannot even remember her.*

On or about 12-21-12, the father asked Ms. Vidauri to pick up the children, and executed a power of attorney. The children have been in their custody ever since. They are enrolled in school. The Vidauris have filed for guardianship in Riverside county with the intent to adopt the children, nominated by the father.

The declaration states that after filing guardianship in Riverside County, she discovered that this guardianship had been filed in Fresno. It was only after an attorney searched the court system that the action was accidentally discovered. A temporary guardianship hearing is set for Tues Jan. 29, 2013 in Riverside County. An attorney has been appointed there to represent the children. Ms. Viduarri states the mother knew the children were in her physical custody and neither she nor the petitioner disclosed this to the Court.

Objector requests the temporary orders be dissolved in that such orders were issued without due process, and further requests the Court either dismiss the matter entirely, transfer the case, or stay any orders until the 1-29-13 hearing in Riverside, and that no orders be made until the children's attorney can be consulted and the judges of the two counties meet and confer.

Ms. Viduarri states she and her husband have a stable marriage and home, he with a stable job and she as a stay-at-home mom. The children have never had a stable home except for theirs, and Ms. Viduarri requests the children be allowed to stay in their home until the hearing in Riverside.